

# **SOLANO COUNTY GRAND JURY**



## **Americans with Disabilities Act Compliance**

**Benicia Middle School**

**Golden West Middle School**



**2004-2005 Grand Jury Report**

**Issued: May 24, 2005**

**Benicia Middle School**  
**Americans with Disabilities Act Compliance**  
**2004-2005 Grand Jury Final Report**

**I. Reason for Review**

The Grand Jury elected to review compliance with the Americans with Disabilities Act (ADA). This report focuses on the Benicia Middle School's (BMS) physical plant.

**II. Procedure**

The Grand Jury:

- Reviewed a U.S. Department of Justice Civil Rights Division, *Disabilities Rights Section* publication dated October 7, 2004, entitled Title II Highlights
- Reviewed 2003 California School Boards Association document entitled Reasonable Accommodation
- Interviewed the Superintendent of the Benicia Unified School District and the Principal of the Benicia Middle School
- Conducted a visual inspection and walk-through of the Benicia Middle School
- Reviewed California Department of Education Information Regarding Pupils with Disabilities, last modified June 17, 2004
- Reviewed California School Boards Association Non-Discrimination in District Programs and Activities dated July 2003

**III. Background**

The Americans with Disabilities Act (ADA) was passed on July 26, 1990. ADA regulations for state and local governments were issued on January 26, 1992. The Solano County 2003-2004 Grand Jury Report began a survey of ADA compliance over the elapsed decade. This report continues that process of measuring progress in the public domain.

There are very few BMS pupils who are physically immobilized. Their actual handicaps may include lisps, cancer, emotional problems and heart irregularities. Many who have serious mobility challenges are served by a Solano County Office of Education program, one component of which is located on the BMS campus. Grand Jurors witnessed excellent treatment given at days end as pupils were carefully and considerately helped aboard special school busses equipped with lifts. The two buses then departed on rounds of other schools to serve other pupils.

Special challenges for supporting disabled BMS students—and parents—reportedly include the following:

- Getting students to and from school
- Moving students from class to class
- Helping disabled parents at school functions such as graduation
- Responding on short notice to new students who have immediate and complex needs
- Having a plan to cover a “no-show aide” while maintaining expected services

The administrative staff was very confident that the School met all ADA facility requirements, inasmuch as the 1994 remodeling was required to meet State Architect design specifications. These specifications were summarized verbally by staff and then shown on a walk-

through. They included ramps, an elevator, restrooms, curb cuts, door widening, light switches, water fountain access, signage – even in Braille – and parking spaces reserved for the disabled. Individual Education Plans (IEP) are on file at the School District, and one was brought up on a computer for viewing. Staff reported that these are updated yearly and are forwarded with the child if the child moves out of the District.

ADA is a classic example of an “unfunded mandate,” in that none of the Federal and State mandated activities come with any type of financial support. There are, however, matching funds available to supplement local bond issues and in the case of the BMS such support has been obtained as part of a 1994 school renovation. No other outside financial help was reported.

#### **IV. Findings and Recommendations**

**Finding #1** - The Grand Jury found ADA related facilities and procedures to be in compliance and operating well.

**Recommendation #1** – None.

**Finding #2** - All observed physical assistance appeared satisfactory. Staff members engaged in bus-loading operations seemed especially attentive.

**Recommendation #2** – The bus drivers and other staff should be commended for their careful assistance to the pupils.

**Finding #3** – Financial aid for ADA is inadequate. Even this fully equipped and newly renovated school is faced with the ongoing problem of maintaining services with shrinking funding.

**Recommendation #3** – The School and District should remain creative in seeking funding sources.

#### **V. Comments**

In general this school appeared very well run and is successful in meeting ADA standards. Based on the information developed by the Grand Jury, jurors believe that there is a lack of funding which deters reasonable aspirations in this school. The Grand Jury found the BMS relatively clean with limited graffiti and trash evident.

#### **VI. Affected Agencies**

- Solano County Office of Education
- Benicia Unified School District
- Benicia Middle School

# **Americans with Disabilities Acts Compliance**

## **Golden West Middle School**

### **2004 - 2005 Grand Jury Report**

#### **I. Reason for Investigation**

The Grand Jury elected to review compliance with the Americans with Disabilities Act (ADA). Golden West Middle School is part of the Travis Unified School District and covers grades six through eight. This report focuses on the Golden West Middle School's (GWMS) physical plant.

#### **II Procedure**

The Grand Jury:

- Reviewed a U.S. Department of Justice Civil Rights Division, Disabilities Rights Section publication dated 10/07/04 entitled Title II Highlights
- Reviewed the 2003 California School Boards Association document entitled Reasonable Accommodation
- Examined written material on the District's policy regarding ADA and emergency procedures
- Interviewed the Assistant Superintendent, Business and Operations, Travis Unified School District, Vice Principal of GWMS, teacher of the Solano County Office of Education and a severely disabled teacher from the GWMS
- Toured the facilities with the District and school personnel
- Observed several handicapped students from the County school program move about the campus

#### **III Background**

Laws requiring facilities and procedures providing equal opportunities for disabled persons date back to 1990. The 2003-2004 Grand Jury began a survey of ADA compliance over the elapsed decade. This report continues that process of measuring progress in the public domain. At the time of the Grand Jury visit, the GWMS was undergoing an extensive \$1.6 million State-funded modernization program that is required to meet State Architect ADA specifications. Meeting the ADA requirements is a top priority of the District.

All restrooms are being made ADA compliant. Where restrooms were not useable due to construction, ADA Port-A-Potties were available for all persons. New ramps were plainly visible as were the new signs pointing in the direction of the ramps. Cracked pavement was being removed and the edges of the pavement were rounded to prevent accidents. Dangerous areas were clearly marked with signs or yellow plastic strips. In other cases unattended construction sites were locked. There is an alarm system designed to notify visually and hearing impaired students which consists of lights and audible alarms.

A teacher, who is wheelchair disabled, gave the Grand Jury a glowing review of the ease of accessibility around the campus, even under the abnormal conditions due to the renovation. A number of students who are disabled, were observed to have no difficulty getting around campus. When several of these students were interviewed, they corroborated these observations.

#### **IV Findings and Recommendations**

**Finding #1** - Testimony given by a disabled teacher corroborated by interviews with several disabled students and paraprofessionals, supplied convincing evidence that the District is successfully implementing compliance with the ADA requirements.

**Recommendation #1** - Continue with the good work.

#### **V Comments**

The 2003-2004 Grand Jury established a useful precedent in proposing that ADA review continue on public buildings in Solano County and its cities to insure that they are moving towards meeting the special needs of students and residents.

The Grand Jury observed the large amount of construction going on but despite that the Golden West campus was clean and well organized.

#### **VI Affected Agencies**

- Solano County Office of Education
- Travis Unified School District
- Golden West Middle School